

REMARKS

In the aforesaid Office Action, claim 32 was objected to, claims 26, and 28-29 were rejected under 35 USC 102(b) as anticipated by Wang et al. (5,556,383), and claims 30-33, and 36-37 were rejected under 35 USC 103(a) as being unpatentable over Wang et al. Claims 26 and 28-37 are pending.

Applicants appreciate the courtesies extended by the Examiner in the telephone interview on September 14, 2004, conducted between Applicant's representative, Priscilla Morrison, and the Examiner. Claim 26 and Wang et al. were discussed. Applicants proposed amending the claims to clarify that the radial shrinkage is the difference between the inflated outer diameter of the balloon in a balloon mold during blow-molding of the balloon and the inflated outer diameter of the balloon as part of a catheter system after exposure to a thermal treatment, and to set forth that the radial shrinkage of the balloon heat-set using a heating member which applies heat to the balloon simultaneously along the length of the balloon is less than an inflated outer diameter radial shrinkage of a balloon otherwise formed the same but heat-set nonuniformly. Applicants pointed out that the dimensions given in Example 1 of Wang et al. are the balloon tubing outer diameter (0.027 inch) prior to being inflated in the balloon mold, and the inflated outer diameter of the finished balloon (2.25mm), and that Example 1 does not discuss a comparison of an inflated outer diameter of the balloon in

the balloon mold during blow-molding of the balloon and an inflated outer diameter of the balloon as part of a catheter system after exposure to a thermal treatment.

The Examiner rejected claims 26, and 28-29 under 35 USC 102(b) as anticipated by Wang et al., and claims 30-33, and 36-37 under 35 USC 103(a) as being unpatentable over Wang et al., stating that Wang et al. (example 1 and table 1) discloses a polymeric balloon having a radial shrinkage less than 6% and a length of about 2 cm. However, Applicants have carefully reviewed Wang et al. and can find no teaching or suggestion of a dimensionally stable balloon having an inflated outer diameter radial shrinkage of less than 10%, which is heat-set using a heating member which applies heat to the balloon simultaneously along the length of the balloon, so that the balloon outer diameter radial shrinkage is less than an outer diameter radial shrinkage of a balloon heat-set nonuniformly, as required by amended claim 26. Support for the amendment can be found in the last paragraph of the Summary section, disclosing that balloons “formed from the process of the present invention, preferably, have either or both a reduced radial shrinkage and reduced axial growth”, (i.e., reduced compared to a balloon otherwise formed the same but not using the process of the present invention).

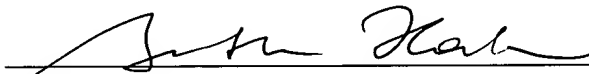
Applicants have amended claim 26 to, in part, clarify that the percent radial shrinkage is as measured by a difference between the inflated outer diameter of the balloon at ambient temperature in a balloon mold inflated to the inner diameter of the balloon mold during blow-molding of the balloon and the inflated outer diameter of the balloon at ambient temperature as part of a catheter system after exposure to a thermal

treatment. The “inflated outer diameter” is the diameter formed by filling the volume of the balloon interior, as formed by the balloon mold, with inflation medium. Support for the amendment can be found on page 10, lines, 5-8, and page 17, line 20-page 18, line 4. Claim 26 requires that the inflated outer diameter of the balloon both within the mold and outside of the mold is measured at ambient, not elevated, temperature, support for which can be found at page 4, lines 18-20, disclosing that the formed balloon in the balloon mold is cooled down to substantially ambient temperature before being removed from the balloon mold, and page 11, lines 12-13, disclosing that the balloon is cooled within the mold under pressure.

Applicant respectfully requests reconsideration, and issuance of a timely Notice of Allowance.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Gunther O. Hanke
Registration No. 32,989

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201